

1. **How much is the docket fee?**

The docket fee is \$125.00 for filing an appeal and \$20.00 for filing a motion to dismiss for failure to file a docketing statement. NMSA 1978 §34-5-6 (2003) There are no other fees required to process the appeal. However, if you want copies of documents, there is a charge.

2. **What are your hours?**

The court hours are Monday - Friday 8:00 a.m. - 12:00 p.m. and 1:00 p.m. - 5:00 p.m. excluding holidays.

3. **How many copies of pleadings do you require?**

See NMRA 12-306 (D), which provided, as of the date this document was written, for the original only of everything you file except briefs, and you should file six copies (original and five) of the brief in chief, answer brief, and reply brief. You should check the rule to make sure it has not changed. This website provides a link to the rules.

4. **How do I get a copy of an opinion?**

You can download a PDF copy from the opinions section of this website, you can call the clerk's office and pay for it to copy and mail you a copy of the opinion, or you can call the authoring judge's legal assistant and the assistant can e-mail you a copy of the opinion.

5. **Can I fax pleadings to your office?**

See NMRA 12-307.1, which provides that pleadings may be faxed only if no fee is required and only the original is required to be filed. There are also many other requirements, and you should consult the rule to learn of them all. This website provides a link to the rules. The Court's fax number is (505) 827-4946.

6. **What is your mailing address?**

Court of Appeals
P.O. Box 2008
Santa Fe, NM 87504-2008

Albuquerque Satellite Office
1117 Stanford, NE
Albuquerque, NM 87131

7. **What is your physical address?**

Court of Appeals

237 Don Gaspar, Room 116
Santa Fe, NM 87501

Albuquerque Satellite Office
1117 Stanford, NE
Albuquerque, NM 87131

8. **What is the telephone number for district court, magistrate court, municipal court.**

Refer to drop down box Other Sites, go to New Mexico Courts, go to Judicial Directory for telephone numbers.

9. **How do I get copies of a pleading?**

Call (505) 827-4925

10. **How do I borrow the case materials?**

Call (505) 827-4925

11. **How do I file an appeal?**

See NMRA 12-202 regarding filing a notice of appeal.
See NMRA 12-203 regarding filing Interlocutory appeals.
See also NMRA 12-204, 12-205, 12-502, 12-503.
Consult the Pro Se Videos for information on filing a civil appeal.

12. **What is the status of my case?**

Call (505) 827-4925 or (505) 841-4618 to check on the status.

13. **Can I file in the Albuquerque office?**

Yes

14. **Why can't I pick-up case materials in the Albuquerque office?**

Case materials are maintained in the Clerk's Office in Santa Fe.

15. **How can I get an extension of time?**

A motion for extension of time can be filed. See NMRA 12-309.

16. Have you received my pleading?

Call (505) 827-4925 or (505) 841-4618

17. Have they ruled on my motion?

Call (505) 827-4925 or (505) 841-4618

18. How long will it take the Court to decide my case?

The answer to this question depends on many factors. From the time you file your notice of appeal to the time of decision can be as short as two months or as long as two and one-half years. A decision in two months requires that you file your docketing statement immediately after the notice of appeal and requires that the appeal be decided on the summary calendar and that everything else happen as quickly as possible. Usually, however, cases on the summary calendar take an average of five to six months to decide from notice of appeal to decision. Cases assigned to the general calendar take an average of a year and one-half to decide from notice of appeal to decision. On the general calendar, the time from submission to decision averages six months. However five percent of the Court's cases assigned to the general calendar will take longer than one year from submission to decision.

19. What percentage of cases are reversed?

The percentage varies year to year. The Court keeps statistics indicate what percentage of cases are granted relief. Granted relief includes outright reversals and cases that are affirmed in part and reversed in part, on occasion reversed only in small part. Sometimes the percentage of cases being granted relief is in the low twenties and sometimes it is as high as thirty. Twenty-five percent is probably a good average. A larger percentage of cases on the general calendar (over 50%) are granted relief than on the summary calendar (about 15%). Our statistics show that self-represented litigants enjoy a similar reversal rate to attorney-represented litigants.

20. What percentage of cases get decided on the summary calendar?

The percentage of cases getting decided on the summary calendar also varies year to year from the low fifties to the high sixties. At the beginning of fiscal year 2003, that is during the summer and early fall of 2002, the percentage was 54%. The percentage is usually closer to 60%, however.

21. How long does it take from the time I file my docketing statement until the time the case is calendared?

When the docketing statement is filed, the Court needs to wait for the record proper before it will refer the case to its prehearing division to make a calendaring

recommendation. Some districts send the record proper to the Court of Appeals within a week and other districts take several weeks to a couple of months. Then, the staff attorneys in the prehearing division will usually take two weeks, but sometimes (in a very unusual case) as long as six weeks, to make a calendaring recommendation, and the calendaring judge will decide whether to accept that recommendation within a few days. Statistics towards the end of fiscal year 2003 show an average of three months from notice of appeal to calendaring. Because filing the docketing statement will usually take thirty days of that time, two months is probably the average time it takes to calendar a case after the filing of the docketing statement.

22. What does it mean if I filed my memorandum in opposition a month ago and still have not heard anything?

This is not unusual at all. The Court's average time from notice of disposition to opinion is over two months, so most cases will take more than a month from your memorandum in opposition to decide. In addition, it is not infrequent that the participating judges will take some time to decide whether they want to join in the summary memorandum opinion. If a case takes a long time to decide, it could mean that one or more judges do not agree, and then the case will be reassigned to another summary calendar or to a general calendar. But taking a long time does not necessarily mean that there will be a change in calendar.

23. If I want some particular relief that is not provided for in the rules, such as an expedited decision or expedited mandate or a clarification of the briefing schedule, what should I do?

You can always file a motion asking for these things that are not provided for in the rules.

24. What factors are used to determine whether an opinion is a memo (unpublished) or formal (published) opinion and who makes the decision?

The panel assigned to the case makes the decision, and as with all Court of Appeals decisions, the majority of the panel (two judges of the three assigned) make the decision. The criteria for memorandum opinions are contained in NMRA 12-405(B), and they generally concern whether the case result is determined by settled New Mexico law: either statutory, rule, or case law or the presence of substantial evidence or absence of harm to the complaining party. If out-of-jurisdiction authorities need to be cited, it is generally a sign that the opinion needs to be formal. Even if all of the authorities cited are New Mexico authorities, an opinion may be issued in formal form if the judges think that it will provide needed guidance to the bench and bar.

25. If I get a memo opinion that I think should be made formal, is there anything I can do?

See the answer to question 23. A motion can always be filed, but the Court does not frequently grant these motions. A formal opinion takes much more time, both judge time and staff time, to craft and check for technical errors. While the judges are always satisfied that the result is correct, regardless of whether the opinion is to be published or unpublished, once they have made the decision to file an unpublished opinion, they must be presented with weighty reasons to change to a published opinion, which will likely involve much more work.

26. How often do the Court's initial calendar notices get changed or what are my chances of getting a different result if I file a memorandum in opposition?

Twenty to twenty-five percent of the cases originally assigned to the summary calendar get reassigned to a non-summary calendar following a memorandum in opposition. Many people have the misperception that staff attorneys write the notices of proposed disposition with little input from judges and that such notices should be freely disparaged in the memorandum in opposition to catch judicial attention and warrant a calendar reassignment. In fact, the calendaring judge will not infrequently make substantial changes in the draft written by the staff attorneys. Respectful disagreement with the notice of proposed disposition, including specifically pointing out where it is inconsistent with the facts of the case or with the law, will frequently result in a change of disposition.

27. Are pro se parties and attorneys treated the same?

Yes. Case law requires that pro se parties are bound by all of the rules, just as attorneys are. Case law also provides that, when there is no prejudice to the other side, technical rule violations will be overlooked so that cases will be decided on their merits. The Court applies this rule equally to self-represented and attorney-represented litigants.

28. Why can't I e-mail documents to the Court?

The Court does not have an electronic filing system. In fact, no court in the New Mexico state system has an electronic filing system for all its cases. One court had a pilot project for electronic filing in criminal cases, but the cost to maintain and upgrade it was prohibitively expensive. The fact that the New Mexico legislature has many other pressing priorities probably means that the New Mexico state courts will not accept electronic filings in the near future.